

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert R Kaniuff
Debtor(s)

Bankruptcy Case No.: 19-20243-GLT
Issued Per Feb. 25, 2021 Proceeding
Chapter: 13
Docket No.: 114 – 77, 109, 110
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 6, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,562 as of March 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Proceeds from sale of 288 Paul Street, less trustee fees, to be distributed to unsecured creditors to the extent necessary to pay unsecured creditors in full, with any surplus to be used for general plan funding.

The claim of Citizens Bank (Claim No. 5) shall receive no further payments; prior payments were proper and are ratified.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

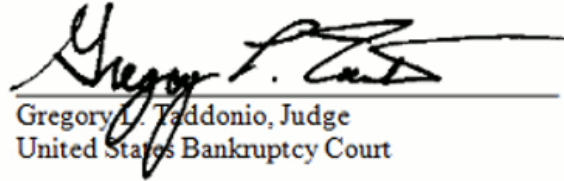
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: February 26, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Robert R Kaniuff
Debtor

Case No. 19-20243-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Feb 26, 2021

User: jhel
Form ID: 149

Page 1 of 3
Total Noticed: 40

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 28, 2021:

Recip ID	Recipient Name and Address
db	+ Robert R Kaniuff, 118 Crooks School Rd, Clinton, PA 15026-1548
cr	+ GreatAmerica Financial Services Corporation, Strassburger McKenna Gutnick & Gefsky, Four Gateway Center, 444 Liberty Avenue, Suite 2200, Pittsburgh, PA 15222-1207
15020090	BMO Harris Bank, N.A., P.O. Box 2035, Milwaukee, WI 53201-2035
14980754	+ Bmo Harris Bank Na, 111 W Monroe, Chicago, IL 60603-4095
14980755	+ Caliber, 715 S Metropolitan Ave, Oklahoma City, OK 73108-2088
14980756	+ Cap1/cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
14980760	+ Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
14980763	Dollar Bank, 3 Gateway Center, Pittsburgh, PA 15222
15209896	Dollar Bank, FSB, c/o Elizabeth L. Slaby, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor, Pittsburgh, PA 15222
15018402	+ Dollar Bank, FSB, 300 West Tuscarawas Street, Canton, OH 44702-1911
15018403	Dollar Bank, FSB, c/o David W. Raphael, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor, Pittsburgh, PA 15222
14980764	+ Fia Cs, Po Box 982238, El Paso, TX 79998-2238
15032273	#+ Ford Motor Credit Company LLC, 1335 S. Clearview Avenue, Mesa AZ 85209-3376
15008499	++ GREATAMERICA FINANCIAL SERVICES CORPORATION, PO BOX 609, CEDAR RAPIDS IA 52406-0609 address filed with court., GreatAmerica Financial Services Corporation, f/k/a GreatAmerica Leasing Corporation, ATTN: Peggy Upton, Litigation Specialist, P.O. Box 609, Cedar Rapids, IA 52406
14980767	+ Monterey Fin, 4095 Avenida De La Plata, Oceanside, CA 92056-5802
15022798	+ PNC Equipment Finance, LLC, c/o Robert E. Walton/Thomas P. Stevens, Flamm Walton Heimbach, 794 Penllyn Pike, Suite 100, Blue Bell, PA 19422-1669
14980776	+ Wells Fargo Dealer Svc, Po Box 1697, Winterville, NC 28590-1697

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: key_bankruptcy_ebnc@keybank.com	Feb 27 2021 01:51:00	KeyBank N.A., 4910 Tiedeman Road, Brooklyn, OH 44144-2338
14980753	+ Email/Text: ally@ebn.phinsolutions.com	Feb 27 2021 01:50:00	Ally Financial, 200 Renaissance Ctr, Detroit, MI 48243-1300
14980758	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Feb 27 2021 01:58:29	Capital One Bank Usa N, 15000 Capital One Dr, Richmond, VA 23238
15009895	Email/Text: Bankruptcy.RI@Citizensbank.com	Feb 27 2021 01:50:00	Citizens Bank N.A., One Citizens Bank Way, JCA115, Johnston R.I.02919
14980761	Email/Text: Bankruptcy.RI@Citizensbank.com	Feb 27 2021 01:50:00	Citizens Bank Na, 480 Jefferson Blvd, Warwick, RI 02886
14982453	+ Email/Text: ebnnotifications@creditacceptance.com	Feb 27 2021 01:50:00	CREDIT ACCEPTANCE, 25505 W 12 MILE RD SUITE 3000, SOUTHFIELD MI 48034-8331
14980757	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Feb 27 2021 01:56:30	Capital One, Po Box 30253, Salt Lake City, UT 84130-0253

District/off: 0315-2

User: jhel

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14980760	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 27 2021 01:58:35	Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
14980762	+ Email/Text: ebnotifications@creditacceptance.com	Feb 27 2021 01:50:00	Credit Acceptance Corp, Po Box 5070, Southfield, MI 48086-5070
15016259	+ Email/Text: kbarkley@bernsteinlaw.com	Feb 27 2021 01:52:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14980765	+ Email/Text: bankruptcynotice@fcbanking.com	Feb 27 2021 01:50:00	First Commonwealth Ban, 22 North Sixth St, Indiana, PA 15701-1802
14980759	Email/PDF: ais.chase.ebn@americaninfosource.com	Feb 27 2021 01:58:27	Chase Card, Po Box 15298, Wilmington, DE 19850
14980766	+ Email/Text: key_bankruptcy_ebnc@keybank.com	Feb 27 2021 01:51:00	Keybank Na, 4910 Tiedman Road, Brooklyn, OH 44144-2338
14980768	Email/Text: Bankruptcy.Notices@pnc.com	Feb 27 2021 01:50:00	Pnc Bank, Po Box 3180, Pittsburgh, PA 15230
14980769	Email/Text: Bankruptcy.Notices@pnc.com	Feb 27 2021 01:50:00	Pnc Mortgage, Po Box 8703, Dayton, OH 45401
15018893	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 27 2021 01:54:43	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14981346	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 27 2021 01:56:33	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14980770	+ Email/PDF: gecsedl@recoverycorp.com	Feb 27 2021 01:58:26	Syncb/ameg D, Po Box 965005, Orlando, FL 32896-5005
14980771	+ Email/PDF: gecsedl@recoverycorp.com	Feb 27 2021 01:58:26	Syncb/bargain Outlet, C/o Po Box 965036, Orlando, FL 32896-0001
14980772	+ Email/PDF: gecsedl@recoverycorp.com	Feb 27 2021 01:56:27	Syncb/jcp, Po Box 965007, Orlando, FL 32896-5007
14980773	+ Email/PDF: gecsedl@recoverycorp.com	Feb 27 2021 01:58:26	Syncb/levin Furniture, C/o Po Box 965036, Orlando, FL 32896-0001
14980774	+ Email/PDF: gecsedl@recoverycorp.com	Feb 27 2021 01:54:38	Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
14980775	+ Email/PDF: gecsedl@recoverycorp.com	Feb 27 2021 01:58:26	Syncb/synchrony Home, C/o Po Box 965036, Orlando, FL 32896-0001
15023831	Email/Text: jennifer.chacon@spservicing.com	Feb 27 2021 01:52:00	The Bank of New York Mellon, et al, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250

TOTAL: 24

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		THE BANK OF NEW YORK MELLON ET.AL.
cr		THE BANK OF NEW YORK MELLON, ET. AL.
cr		The Bank of New York Mellon, successor to The Bank
cr	*+	Dollar Bank, FSB, 300 West Tuscarawas Street, Canton, OH 44702-1911
cr	*+	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 3 Undeliverable, 3 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities

District/off: 0315-2

User: jhel

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Date Rcvd: Feb 26, 2021

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in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 28, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 26, 2021 at the address(es) listed below:

Name	Email Address
Beth L. Slaby	on behalf of Creditor Dollar Bank FSB bslaby@grenenbirsic.com, mducec@grenenbirsic.com
Brian Nicholas	on behalf of Creditor THE BANK OF NEW YORK MELLON ET.AL. bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor The Bank of New York Mellon successor to The Bank of New York, not in its individual capacity but solely as Trustee on behalf of the holders of the CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certif bnicholas@kmlawgroup.com
Christopher J. Azzara	on behalf of Creditor GreatAmerica Financial Services Corporation cazzara@smgglaw.com ccallahan@smgglaw.com;kmaiorano@smgglaw.com;klaraba@smgglaw.com
David W. Raphael	on behalf of Creditor Dollar Bank FSB raphaeld@fmb-corp.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Lawrence W. Willis	on behalf of Debtor Robert R Kaniuff ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Thomas Song	on behalf of Creditor THE BANK OF NEW YORK MELLON ET.AL. pawb@fedphe.com
Thomas Song	on behalf of Creditor THE BANK OF NEW YORK MELLON ET. AL. pawb@fedphe.com

TOTAL: 11